

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed October 28, 2005. For the reasons discussed below, Applicants submit that the pending claims are patentably distinguishable over the cited references. Applicants, therefore, respectfully request reconsideration and favorable action in this case.

#### **Section 102 Rejections**

The Office Action rejects Claims 30 and 32-33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,684,800 issued to Dobbins et al. ("*Dobbins*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (*emphasis added*). In regard to inherency of a reference, "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." M.P.E.P. § 2112 (citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993) (*emphasis original*)). Thus, in relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. M.P.E.P. § 2112 (citing *Ex Parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. at App. and Inter. 1990) (*emphasis original*)).

Independent Claim 30 recites, "a first port and a second port each including a receive-transmit pair (RTP), the RTP including a high-speed demultiplexer operable to process ingress traffic, a high-speed multiplexer operable to process egress traffic." *Dobbins*, in contrast, teaches receiving a broadcast or multicast packet at a first switch, encapsulating the packet, inserting a VLAN header, and flooding the VLAN packet out multicast channel 16 to all other switches. *See Dobbins*, column 6, lines 13-20. *Dobbins* does not disclose a high-speed multiplexer or demultiplexer. The Office Action states that this disclosure is inherent

in *Dobbins*. Specifically, the Office Action states, “Because the physical structure of a switch (fig. 5, item 13) of *Dobbins* allows information from a link to be transmitted to several end stations and vice versa, the definition (or structure) of a multiplexer and demultiplexer is met.” Applicants respectfully disagree. A multiplexer and demultiplexer is *not* needed to transmit information to several end stations and vice versa in a *packet* network

As previously stated by Applicants, a switch can transmit packets from an end station to different links and vice versa using the information contained in the header of the packet. No demultiplexing or multiplexing (e.g., time division multiplexing) is needed since this is *packet-based* switching. Demultiplexing and multiplexing would be used in a *circuit-switched* system – which *Dobbins* does not disclose. Applicants thus respectfully submit that there is no need for a multiplexer or demultiplexer in a packet-based system, and such elements are certainly not inherent in the disclosure of *Dobbins*. In relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. Applicants submit that the Examiner has not met this requirement for the reasons given above.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 30, as well as Claims 32-33, which depend from Claim 30.

### **Section 103 Rejections**

The Office Action rejects Claims 1-8, 10, 12-19, 21-22, 24-29, 34-38 and 41 under 35 U.S.C. § 103(a) as being unpatentable over *Dobbins* in view of U.S. Patent 6,331,985 issued to Coden (“*Coden*”) and U.S. Publication 2003/0165140 issued to Tang, et al. (“*Tang*”) and in view of U.S. Patent 6,577,634 issued to Tsukakoshi et al. (“*Tsukakoshi*”).

Claims 1, 16 and 34 recite a transport element that comprises “a primary processor operable to generate routing information for the transport element and to distribute the routing information to the ports in the port group for traffic processing, the routing information comprising a routing information base (RIB)” and “a secondary processor for each port in the port group, the secondary processor operable to receive the RIB from the primary processor and to generate a forwarding information base (FIB) for the port based on

the RIB.” The Office Action asserts that these limitations are disclosed in *Tsukakoshi*. First, the Office Action indicates that *Tsukakoshi* discloses of a primary processor (which the Office Action asserts is disclosed by CPU 41 of the route calculation unit 20 of a router 12) that distributes information to a secondary port processor (which the Office Action asserts is disclosed by forwarding unit 18 of the same router 12). However, Claim 1 requires that the primary processor “distribute the routing information *to the ports in the port group* for traffic processing.” As also recited in the claim, these ports in the port group comprise “a plurality of geographically distributed ports.” The forwarding units 18 of *Tsukakoshi* are not a plurality of geographically distributed ports at least because they are “within the router 12.” *Tsukakoshi*, Col. 3, lines 28-30. Because forwarding units 18 are within the same router 12 as CPU 41 of the route calculation unit 20, these forwarding units are not *geographically distributed* ports. Therefore, even if unit 20 generates routing information and sends this information to forwarding units 18, this is not a disclosure of “distribut[ing] the routing information to the ports in the port group for traffic processing.”

Furthermore, there is no disclosure in *Tsukakoshi* that a second processor generates a forwarding information base (FIB) for the port based on an RIB received from the primary processor. Even assuming for the sake of argument that a forwarding unit 18 of *Tsukakoshi* is the recited secondary processor (which it is not for the reason given above) and that it receives an RIB from CPU 41 of route calculation unit 20 (which the Office Action asserts is the primary processor), the forwarding units 18 do not generate a FIB based on the routing table received from unit 20. In fact, *Tsukakoshi* specifically states that the routing table received from unit 20 is what is used by forwarding units 18 for packet forwarding. Therefore, there is no disclosure that forwarding units 18 generate any FIB for packet forwarding since they just use the routing table sent by unit 20. *Tsukakoshi*, Col. 4, lines 53-59.

Because these limitations are not disclosed in or suggested by the cited references, Applicants respectfully request reconsideration and allowance of Claims 1, 16 and 34, as well as the claims that depend from these independent claims. Favorable action is respectfully requested.

**CONCLUSION**


Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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